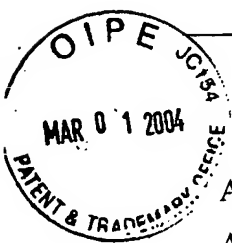


Docket No.: GNE.2930R1C9

Customer No.: 20,995



AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Botstein, et al.
 App. No. : 10/033,223
 Filed : December 27, 2001
 For : SECRETED AND
 TRANSMEMBRANE
 POLYPEPTIDES AND
 NUCLEIC ACIDS ENCODING
 THE SAME
 Examiner : Li, R.
 Art Unit : 1646

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

February 26, 2004

(Date)


 Sam K. Tahmassebi, Reg. No. 45,151

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

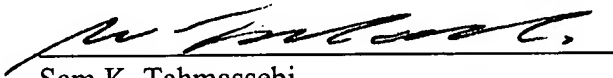
Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Restriction Requirement in 2 pages.
- (X) Exhibit A in 9 pages.

The fee has been calculated as shown below:

| FEE CALCULATION | | | | |
|--------------------|-------------|--------------|----------------------|------------|
| FEE TYPE | | FEE CODE | CALCULATION | TOTAL |
| Total Claims | 20 - 20 = 0 | 1202 (\$18) | 0 x 18 = | \$0 |
| Independent Claims | 3 - 3 = 0 | 1201 (\$86) | 0 x 86 = | \$0 |
| Multiple Claim | | 1203 (\$290) | | \$0 |
| | | | TOTAL FEE DUE | \$0 |

- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 07-0630.



Sam K. Tahmassebi
Registration No. 45,151
Attorney of Record
Customer No. 30,313
(619) 235-8550

GNE.2930R1C9



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Botstein et al.
Appl. No. : 10/033,223
Filed : December 27, 2001
For : SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME
Examiner : Li, R.
Group Art Unit : 1646

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

February 26, 2004

(Date)


Sam K. Tahmassebi, Reg. No. 45,151RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement of January 28, 2004, please consider the following remarks.

Applicants sincerely thank Examiner Li for the courtesy he extended to the undersigned during a telephone conversation on February 26, 2004, during which the pending Restriction Requirement was discussed in view of a Preliminary Amendment filed on December 27, 2001. The present response is consistent with the Examiner's suggestions during the phone conversation.

Applicants are in receipt of the Restriction Requirement of January 28, 2004, in which the Examiner has indicated that claims 1-21 are pending and are subject to a restriction. Applicants respectfully point out that they filed a Preliminary Amendment along with the application on December 27, 2001, in which claims 1-21 were cancelled and new claims 22-41 were added. Applicants enclose a copy of the Preliminary Amendment herewith as Exhibit A for the Examiner's convenient reference. The new claims are drawn to nucleic acid molecules, a vector and a host cell comprising the same, i.e., the subject matter of the invention of Group I of the Restriction Requirement.

Appl. No. : 10/033,223
Filed : December 27, 2001

Applicants hereby reiterate their election of the subject matter of the Group I claims and pursue claims directed to that subject matter as introduced in the Preliminary Amendment of December 27, 2001. Applicants maintain that the cancellation of the non-elected subject matter is without prejudice to, or disclaimer of, said subject matter, and reserve their right to pursue the cancelled subject matter in a continuation, divisional, or continuation-in-part application claiming priority to the present application.

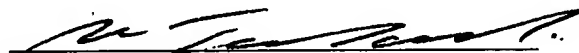
No fee is believed due in connection with this response. If this is not correct, please charge any additional fees, including any fees for additional extension of time, to Deposit Account No. 07-0630.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Feb. 26, 2004

By:


Sam K. Tahmassebi
Registration No. 45,151
Attorney of Record
Customer No. 30,313
(619) 235-8550

S:\DOCS\SKT\SKT-4644.DOC
022604